IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:06-CV-458-D(2)

MARY ELIZABETH DEESE,)	
Plaintiff,)	
v.)	ORDER
MICHAEL J. ASTRUE, Commissioner of Social Security,)	
Defendant.))	

On January 16, 2008, Magistrate Judge Daniel issued a Memorandum and Recommendation ("M&R"). In that M&R, Judge Daniel recommended that plaintiff's motion for judgment on the pleadings be denied, defendant's motion for judgment on the pleadings be granted, and defendant's final decision denying the request for benefits be affirmed. On January 28, 2008, plaintiff, through counsel, notified the clerk's office that no objections to the M&R would be filed. No objections to the M&R have been filed.

"The Federal Magistrates Act requires a district court to 'make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C.A. § 636(b)(1)). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Id.</u> (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Plaintiff's

motion for judgment on the pleadings is DENIED, defendant's motion for judgment on the pleadings is GRANTED, the final decision by defendant is AFFIRMED, and this matter is DISMISSED. The Clerk is directed to close the case.

SO ORDERED. This **29** day of January 2008.

JAMES C. DEVER III

United States District Judge